

THE PROCESS

- Individuals or organizations may file signed written complaints with the Exceptional Student Services Division of the Arizona Department of Education (ADE/ESS), if they believe a public education agency responsible for the provision of special education services is not in compliance with state and federal laws or regulations.
- A complaint:
 - must be a signed written complaint (anonymous complaints will not be processed);
 - must include a statement that the public education agency has violated a requirement of Part B of the Individuals with Disabilities Education Act Amendments of 1997, its implementing regulations, Arizona Revised Statutes, and/or Arizona Administrative Code, but need not identify the specific law or regulation involved;
 - must clearly identify the concern or the alleged violation as well as the facts on which the statement is based;
 - must include the name of the child or children associated with the specific complaint allegations;
 - must allege a violation that occurred not more than one year prior to the date that the complaint is received unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received; and
 - should be sent to the Director of Administrative Services at the Arizona Department of Education, Exceptional Student Services, 1535 West Jefferson, Phoenix, Arizona 85007.

- Once the complaint is received by the ADE/ESS, the parties involved will receive a “Letter of Acknowledgement.” This letter will provide the following information:
 - the reference number that has been assigned;
 - that the complaint will be investigated within 60 calendar days of the date of acknowledgement of the complaint;
 - the probability of a site visit;
 - how to amend the complaint;
 - a summary of the allegation(s); and
 - whom to contact if questions arise.
- In addition, the public education agency will receive a copy of the complaint and any supporting documentation when the “Letter of Acknowledgement” is sent.
- Within 7 business days of receipt of the complaint by the ADE/ESS, the assigned investigator will contact each party in an attempt to facilitate resolution of the dispute by clarifying the issues and focusing on how each party can work together to meet the educational needs of the child with a disability.
- As part of the investigation, the assigned investigator will collect relevant documents, conduct interviews, and, if deemed appropriate, visit the public education agency. Furthermore, the complainant will be given the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.
- The 60-calendar day timeline may be extended by the Director of Administrative Services, or a designee if exceptional circumstances exist such as, but not limited to:
 - the non-availability of any of the necessary key individuals;
 - the submission of additional information by

any of the parties regarding the complaint that significantly impacts the investigation; or

- a request for an Impartial Due Process Hearing or court action that is filed on identical issues. However, in accordance with the Federal Regulations, “...any issue in the complaint that is not part of the due process action must be resolved using the time limit and procedures described...” [34 CFR 300.661 (c)].
- If an extension is required, the ADE/ESS will send to all parties, a letter that includes a description of the exceptional circumstance(s) and the date by which the “Letter of Findings” will be issued.
- Once the investigation has been completed, the investigator will prepare a “Letter of Findings.” The “Letter of Findings” will include factual information, conclusions specific to the complaint allegations, and reasons for the final decision(s) as determined by ADE/ESS. Other noncompliance issues, if any, found when reviewing the documentation directly related to the complaint allegations to the extent that they may affect the provision of the services for all children with disabilities, will be outlined in the “Letter of Findings” or in a subsequent letter addressing the additional findings. A copy of the “Letter of Findings” will be sent to both parties involved within 60 calendar days of the receipt of the complaint.
- Where allegations of noncompliance or partial noncompliance is found, technical assistance, negotiations, and other types of corrective action(s) (CA) will be required within the timelines as delineated in the “Letter of Findings.” If applicable, as per the Federal Regulations, the CA will address how the public education agency will award the complainant compensatory services and/or monetary reimbursement for costs that should not have been incurred by the complainant [34 CFR 300.660 (b)].
- The Corrective Action Coordinator will track all CA documentation and insure that all CA is complete and received within the stated timelines.

THE INVESTIGATOR

- The investigator is an ADE/ESS professional staff member who has been trained to investigate special education complaints.
- The investigator has the authority to review student confidential educational records related to the complaint allegations.
- The investigator will base the findings and conclusions on the documentation found or reviewed, information obtained through interviews, and the preponderance of evidence.

INVESTIGATION LIMITATIONS

- Allegations involving issues surrounding Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990 are not within the authority of the ADE/ESS to investigate; however, the complainant will be referred to the appropriate investigative agency.
- Allegations that fall under civil or criminal law will not be investigated by the ADE/ESS.
- Allegations related to unprofessional conduct by public education agency personnel are not typically investigated. The complainant will be referred to the public education agency's administration for resolution or to the Constituent Services Division of the Arizona Department of Education or to the Investigative Unit of the Arizona State Board of Education.
- Allegations that have been resolved by a prior Impartial Due Process Hearing or a prior formal complaint investigation will not be re-investigated.

ADDITIONAL COMPLAINT INFORMATION

- A written complaint should also contain the following information to help facilitate the process:
 - Print or type the name of the person filing the complaint;
 - The address of the person filing the complaint;
 - Daytime contact phone numbers that the complainant can be contacted from 8:00 a.m. to 5:00 p.m. Monday through Friday;
 - The date the complaint letter was written;
 - A chronological listing of dates and events that are relevant to the complaint investigation;
 - Copies of any relevant documents that should be reviewed, or a list of any documents that additionally may be reviewed, as part of the complaint investigation;
 - The names and contact information of anyone believed to have relevant information concerning the complaint allegations;
 - Written statements concerning any relevant information that is not documented in some other way; and
 - To avoid confusion regarding the purpose of the letter, the ADE/ESS suggests that the letter state that this is a formal complaint.

ARIZONA DEPARTMENT OF EDUCATION

EXCEPTIONAL STUDENT SERVICES

STATE COMPLAINT SYSTEM FOR SPECIAL EDUCATION

*If you have any questions call:
(602) 542-3084*